



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,601	01/04/2001	Kenji Masaki	018775-813	1564
21839	7590	02/15/2005	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			JACKSON, JENISE E	
POST OFFICE BOX 1404				
ALEXANDRIA, VA 22313-1404			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,601

Applicant(s)

MASAKI, KENJI

Examiner

Jenise E Jackson

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Final Action

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5-8, and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiuchi et al in view of Nagashima et al.

3. As per claims 1, 5, 7, Kakiuchi et al. discloses an output system having a data processing device(see fig. 1, sheet 1, see col. 9, lines 30-39) and an output device for outputting data in a specific format, which is sent from the data processing device(see col. 4, lines 61-67, col. 5, line 1), driver software for controlling an output device being included in the data processing device(see col. 6, lines 38-43, col. 10, lines 34-45, col. 11, lines 24-42), and a first controller for determining whether data on output request passes the driver software, in sending data to the output device(see col. 4, lines 20-31, col. 9, lines 54-65, col. 10, lines 26-33, col. 12, lines 36-49). Kakiuchi et al. does not disclose and a second controller for prohibiting data from being sent to output device for output request on which data bypasses the driver software. However, Nagashima et al. does disclose a second controller(4) for prohibiting data from being sent to output device for output request on which data bypasses the driver software(see fig. 1, sheet 1, col. 3, lines 11-32, 50-65), because Nagashima discloses that the controller sends the data directly to the output device.

Art Unit: 2131

4. It would have been obvious to one of ordinary skill in the art at the time of the invention to include Kakiuchi with Nagashima that discloses a second controller for prohibiting data from being sent to output device for output request on which data bypasses the driver software, the motivation is that crimes of forging documents, such as paper monies or securities, is increasing (see col. 1, lines 16-20 of Nagashima). In order to prevent such crimes, an image identifying circuit identifies these registered data, to forcibly inhibiting illegal copying(see col. 1, lines 20-26 of Nagashima). Thus, the circuit of the external controller is able to prevent illegal copying on which data bypasses the driver software.

5. As per claims 2, 6, recites limitations already addressed(see above). Further claim 2, Kakiuchi does not disclose an encryptor for encrypting data passing the driver software, provided on the data processing device; a decryptor for decrypting the data encrypted by the encryptor, provided on the output device. However, Nagashima discloses an encryptor for encrypting data passing the driver software, provided on the data processing device; a decryptor for decrypting the data encrypted by the encryptor, provided on the output device(see col. 3, lines 12-32, 50-57). The motivation to include an encryptor and decryptor of Nagashima is that it prevents illegal uses of images and documents, by encrypting the image signals, and decrypting the encrypted signals being transmitted(see col. 1, lines 50-59, col. 2, lines 1-8 of Nagashima)

6. As per claim 8, the same motivation applies above(see claim 2). Nagashima discloses encrypting an output data from an application program run on the data processing device, and outputting the encrypted data to the output device(see col. 3, lines 11-32).

Art Unit: 2131

7. As per claim 10, Kakiuchi discloses an installer program for installing driver software for using the output device(see col. 7, lines 61-67, col. 8, lines 1-5), installing a program for prohibiting data on output request from being sent to the output device(see col. 7, lines 61-67, col. 8, lines 1-5, 9-21).

8. As per claims 3-4, is allowable. Nagashima discloses setting a value if the image data is recognized to be counterfeit. Prior art fails to disclose setting a value to be output to an output device. The prior art discloses setting a value to determine whether the object is a fake or forgery. Therefore, this claim is allowed for the feature of “setting a value”...

9. Claim 9 is objected as being rejected on base claim, that sets a specific password for output. The encryptor of Nagashima does not disclose the encryptor setting a specific password for output, Nagashima encrypts the images and decrypts them.

Response to Amendment

10. The Applicant states that Kakiuchi does not disclose a second controller. Kakiuchi was not relied on for the second controller, Nagashima was relied on for the second controller(see action above).

11. The Applicant states that Kakiuchi et al. does not disclose a first controller that functions to determine whether data on output request passes the driver software, in sending data to the output device. The Examiner disagrees with the Applicant. Kakiuchi discloses a controller that includes an examination means that determines whether data passes the driver software by determining whether data is sent to the output device(see col. 3, lines 23-44). The output device of Kakiuchi is the printer(see col. 3, lines 45-67).

Art Unit: 2131

12. The Applicant states that Nagashima does not disclose a second controller that prohibits data from being sent to an output device or output request on which data bypasses the driver software. The Examiner disagrees with the Applicant. Nagashima discloses an image processing circuit that includes a forgery preventing mode, that determines if the copying is a forgery copying is prevented for performing. This forgery prevention mode is a part of the controller(see col. 3, lines 50-65).

13. The Applicant's argument as per claim 3, is persuasive. Nagashima discloses setting a value if the image data is recognized to be counterfeit. Prior art fails to disclose setting a value to be output to an output device. The prior art discloses setting a value to determine whether the object is a fake or forgery. Therefore, this claim is allowed for the feature of "setting a value"...

14. The Applicant states that Nagashima et al. does not disclose an encryptor for encrypting data passing the driver software, but not for encrypting data sent to the output device that bypasses the driver software. Nagashima et al. discloses that encryption/decryption is performed in the controller(see col. 3, lines 51-55). Nagashima et al. does not disclose that encryption is performed all the time. Nagashima discloses that a determining circuit executes forgery determination, it does not disclose that in the forgery determination encryption is done(see col. 4, lines 54-63).

15. Lastly, installing driver software, is inherent, because Kakiuchi et al. and Nagashima disclose drivers. Furthermore, Kakiuchi discloses a printer driver software which is installed in a hard disk(see col. 7, lines 60-62).

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2131

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

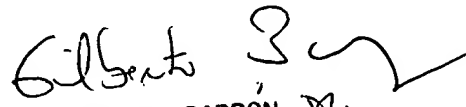
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



February 10, 2005



GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100